

OLC 78-2002/7

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MEMORANDUM FOR: Director of Central Intelligence

FROM: Frederick P. Hitz
Legislative Counsel

SUBJECT: Meeting with Senator Bayh, SSCI Chairman,
Regarding Department of State Authorization
Act, FY 79

1. Action Requested: None; for information only for your meeting with Senator Bayh on Tuesday, 11 July.

2. Background: On 28 June 1978, the Senate passed H.R. 12598 (formerly designated S. 3076), the Foreign Relations Authorization Act, FY 79, which primarily authorizes appropriations for the Department of State and related agencies for FY 1979. Two provisions in the bill have been and continue to be of particular concern to us; both were adopted without amendment on the Senate floor:

a. Section 119: Amending the Role of the Ambassador Legislation (22 U.S.C. 2680a); and

b. Section 501: Amending the so-called "Case-Zablocki Act" (1 U.S.C. 112b).

Also of concern is an unprinted floor amendment introduced on 28 June, the day of the Senate floor action on S. 3076, by Senator McGovern. This amendment, subsequently adopted by the Senate, would amend Subsection 15(b) of the basic Department of State enabling legislation (Pub. L. No. 84-885 Subsection 15(b), 70 Stat 890, as amended (1956)), to require Federal agencies and departments with information within the jurisdiction of the Foreign Relations and International Relations Committees to provide that information regardless of the "third agency rule."

Note: There are other provisions in the legislation that are problematic, but these are the three most important problematic provisions.